

1  
2  
3  
4  
5  
6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
8

9 Manuel A. Lopez, ) No. CV 03-411-TUC-CKJ  
10 Plaintiff, ) **ORDER**  
11 vs. )  
12 Country Insurance & Financial Services, et )  
13 al., )  
14 Defendants. )  
15

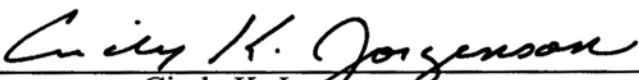
16  
17 This case was dismissed with prejudice on September 16, 2005. In addition, Plaintiff  
18 appealed a final order of this Court on October 7, 2005. Nevertheless, Plaintiff subsequently  
19 filed a Motion for Transcripts at Government Expense, Motion for Appointment of Counsel,  
20 and Motion for Reconsideration of Costs Order.

21 As previously explained in the Court's 11/3/05 Order, as Plaintiff has appealed a final  
22 decision of the Court dismissing this case with prejudice, the Court no longer has jurisdiction  
23 over this case. See 28 U.S.C. §1291 (allowing appeals from final decisions); *Green Tree*  
24 *Fin'l Corp.-Alabama v. Randolph*, 531 U.S. 79, 86 (2000)(a "final decision" is one "that ends  
25 the litigation on the merits and leaves nothing more for the court to do but execute the  
26 judgment.")(internal quotes and citations omitted); *Estate of Connors by Meredith v.*  
27 *O'Connor*, 6 F.3d 656, 658 (9<sup>th</sup> Cir. 1993)("As a general rule, [t]he filing of a notice of appeal  
28 is an event of jurisdictional significance--it confers jurisdiction on the court of appeals and

1 divests the district court of its control over those aspects of the case involved in the appeal  
2 . . ."); Fed. R. App. P. 4(a)(4).

3 Further, these motions are without merit. Plaintiff's request for appointment of counsel  
4 has already been denied in this case (Doc. #4), and there is no factual or legal support for  
5 appointing counsel and giving Plaintiff transcripts at government expense. In addition, as  
6 FED.R.CIV.P. 54(d) dictates that "costs . . . shall be allowed as of course to the prevailing  
7 party unless the court otherwise directs," Plaintiff's claim that his case was brought in "good  
8 faith" does not undermine the award of costs. While the Court checked a box on a form  
9 which states that "This appeal has been taken in good faith," this simply reflects the Court's  
10 belief that Plaintiff thinks he has a good faith basis for his case despite the fact that Plaintiff  
11 has no legally viable claims against Defendants as the Court previously ruled in the Summary  
12 Judgment Order. Nonetheless, Plaintiff filed this action and continues to pursue this action  
13 thereby forcing Defendants to invest more time and money in this case. As such, Defendant's  
14 request and Plaintiff's obligation to pay costs is both reasonable and fair under the  
15 circumstances of this case. Accordingly, Plaintiff's "Motion for Reconsideration of Costs  
16 Order" is denied. Lastly, as this is closed and the case is on appeal, Plaintiff shall direct any  
17 further pleadings or motions in this case to the Ninth Circuit Court of Appeals.

18  
19  
20 DATED this 15<sup>th</sup> day of December, 2005.

21  
22  
23  
24   
25 Cindy K. Jorgenson  
26 United States District Judge  
27  
28